

REMARKS/ARGUMENTS

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application is anticipated under the provisions of 35 USC § 102 or obvious under the provisions of 35 USC § 103. Additionally, the remarks of the Amendment filed August 14, 2003 are incorporated by reference herein and for the sake of efficiency will not be restated. Thus, the Applicants believe that all of the claims are now in allowable form.

If the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, the Examiner is urged to telephone Ms. Alberta A. Vitale, Esq., at (203) 469-8097 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Claim Amendments

Claims 1, 2, 3, 5, 8, 12, 17, 18, 19, 20, 22, 25, 29, 32, 33, 36 and 37 have been amended. Claims 9, 10, and 14 have been canceled. The amendments to the claims emphasize the introduction of the feature wherein the server comprises selection means for selecting a network node with a corresponding identifier out of a plurality of network nodes with different identifiers, which identifier is used to activate the local terminal. The subject matter of the amended claims is novel and inventive over the prior art for the reasons discussed herein.

I. Rejections under 35 USC § 102

A. 35 USC § 102 Rejection / Gordon '837

The Office action rejected claims 1-5, 7, 12, 14-17, 18-21, 36 under the provisions of 35 USC § 102(b) as being anticipated by the teachings of the Gordon patent (United States patent 4,713,837 issued to A. Gordon on December 15, 1987(hereinafter Gordon'837)). This rejection is respectfully traversed.

1. Independent Claims 1 and 36

Applicants note that by the present amendment to claims 1 and 36, the rejection of claims 1 and 36 as being anticipated by the teachings of the Gordon '837 is overcome. Gordon '837 fails to teach each and every element of Applicants' claims, as amended.

Claim 1 as amended is recited as follows:

A method for activating a local terminal connectable to a first network comprising the steps of:

selecting a network node with an identifier by a server out of a plurality of network nodes with different identifiers for connecting to a second network;

transmitting, by the server and via the second network an activation code with the identifier of the selected network node to a local activation module which is connected to the second network and to the local terminal; and

activating, by the activation module and after receiving the activation code,

the local terminal in accordance with the value of the identifier.

(The present amendment emphasized with underlining).

Claim 36 as amended is recited as follows:

A system for activating a local terminal connected to a first network, the system comprising:

an ~~local~~ activation module which is connected to a server via a second network and to a local terminal, wherein:

~~the second network passes on an identifier of a node via which a server is connected to the second network; and~~

the server comprises selection means to select a network node with an identifier out of a plurality of network nodes with different identifiers for connecting to the second network and passing an activation code with the identifier of the selected network node to the activation module;

the activation module records the identifier so as to define a recorded identifier and activates the local terminal, after receiving ~~an~~ the activation code, in accordance with a value of the recorded identifier.

(The present amendment emphasized with underlining).

Assuming arguendo that Applicants' amendments do not overcome the 35 USC § 102 rejections, Applicants submit the rejections are respectfully traversed in the foregoing remarks.

Gordon '837 describes two embodiments of a communication system for transmitting information. The

first embodiment is described at column 4, line 20 to column 6, line 50 with reference to Fig. 1. The second embodiment of Gordon is described at column 6, line 51 to column 7, line 21.

In the first embodiment, the Gordon '837 communication system comprises a central computer 20 and a plurality of subscriber stations 2. The system aims to retrieve information stored at the subscriber stations to the central computer 20 (see, e.g., column 5, lines 7-15), contrary to the Applicants' claimed invention wherein information is to be retrieved from the server to the activation module.

In the Gordon '837 second embodiment, a message is originated at one subscriber station 2 and transferred to the central computer 20 with the desired address of the subscriber station 2 to whom the message is destined (column 6, lines 58-62). The latter subscriber station is notified of the message present in the central computer 20 by the means by which network nodes can be selected with a particular identifier used to activate the local terminal, as introduced in the amended claims.

This feature enhances the functionality of the method and system according to the invention, as will be further elaborated on in the remarks made herein.

In consideration of the remarks, Applicants notes that claims 1 and 36, as amended, overcome the 35 USC § 102 rejection with respect to Gordon '837.

2. Dependent Claims 2-5, 7, 12, 14-17, 18-21

Since claims 2-5, 7, 12, 14-17, 18-21 depend directly or indirectly from amended independent claims 1 or 36, based upon the amendments and/or reasons set forth above regarding claims 1 and 36 Applicants respectfully note that the 35 USC § 102 rejection of claims 2-5, 7, 12, 14-17, 18-21 is traversed.

B. 35 USC § 102 Rejection / Mobbing Application

The Office action rejected claims 9-10, 22-25, 29-30, 34-35, 37, 38, 39-41, 43, 44-46, 48, 49-51, 53 under the provisions of 35 USC § 102(b) as being anticipated by the teachings of the Mobin application (PCT published patent application WO 99/35805 published on July 15, 1999 (hereinafter Mobin)).

This rejection is addressed herein with respect to independent claims 22, 37, 38, 39, 44, 49 to which the rejection was applied. Applicants note that independent claim 9 and claim 10 (dependent from claim 9) are cancelled in the present amendment.

1. Independent Claims 22 and 37 (amended)

Applicants note that by the present amendments to claims 22 and 37, the rejection of claims 22 and 37 as being anticipated by the teachings of the Mobin is overcome. Additionally, Mobin fails to teach each and every element of Applicants' claims, as amended.

Claim 22 as amended is recited as follows:

A server comprising selection means for activating a local terminal, in a plurality of ways, connected to a first network ~~by connecting to a second network various network nodes, each of said nodes having a different identifier~~ by selecting a network node with an identifier for an activation code out of a plurality of network nodes with different identifiers of a second network.
(The present amendment emphasized with underlining).

Claim 37 as amended is recited as follows:

A modules for making a connection between a local terminal and a server, via a network, comprising: means for receiving, from the server, an activation code, the activation code comprising an identifier of a node selected by the server from a plurality of nodes with different identifiers via which the server is connected to the network; and means for recording the identifier, so as to define a recorded identifier, and activating the terminal in accordance with a value of the recorded identifier.
(The present amendment emphasized with underlining).

By the present amendments to claims 22 and 37 the 35 USC § 102 rejection of claim 22 and 37 is overcome.

Assuming arguendo that Applicants' amendments do not overcome the 35 USC § 102 rejections, Applicants submit the rejections are respectfully traversed in the foregoing remarks.

Mobin discloses a message delivery system wherein remote devices 12, 14, 16 can be notified of the presence of information at a host 50. The notification method employs caller ID signaling. It is noted that the caller ID signaling of Mobin clearly differs from the method and system reflected in Applicants' amended claims. In Mobin, the signaling of the caller ID refers to the caller ID of the host 50 itself, i.e., for identification of the host 50. It permits a remote device 12, to discriminate among multiple host devices that may gather data and signal receipt of the data (Mobin at page 10, paragraph 3). In contrast, the provision of Applicants' selection means to select a network node with a particular identifier out of a plurality of network nodes with different identifiers allows the server to identify another server, i.e., other than the server that activates the activation module.

As an example to further illustrate the above remarks, an e-mail message may be received at a server different from the server cited in Applicants' amended claims. This other server may contact the claimed server, that subsequently selects a network node with an identifier indicating the server that comprises the e-mail message and contacts the activation module via this selected network node. As a result the local terminal may be activated to retrieve the e-mail message from the other server.

In conclusion the selection means cited in Applicants' amended claims do purposively select a particular network node in contrast to Mobin, wherein always the same caller ID is used merely to identify the host sending the notification.

In consideration of the remarks, Applicants notes that claims 22 and 37, as amended, overcome the 35 USC § 102 rejection with respect to Mobin.

2. Independent Claims 38, 39, 44, 49

The Office action states that:

Regarding claims 38, 39, 44 and 49, Mobin method and system for activating a local terminal connected to a first network, the method comprising the steps of: transmitting, by a server (50, fig.1) and via a second network in (18, fig. 1), an activation code, the code comprising a message to a selected local activation module in (12, fig. 1) which is connected to the second network and to the local terminal (12, fig. 1) and after reception of the activation code by the selected local activation module, activating the local terminal by the selected local activation module wherein message can be read by the local terminal (page 9 paragraphs: 1-3, page 10 paragraph 1-3). (Office action, paper no. 8, pages 4-5. Emphasis added).

Applicants reviewed the above referenced remarks of the Office action and are unable to determine how the citation teaches each and every element of the invention of Applicants' claims 38, 39, 44 and 49.

Firstly, Applicants note that there is no notation of element 12 in Mobin's Figure 1 and therefore, Applicants fail to understand the meaning of the citation to "(12, fig. 1) with respect to "fig. 1".

Secondly, the reasoning for the rejection, the Office action (see emphasized rejection language quoted above) appears to equate Mobin's element 12 to "a selected local activation module" and also to "to the local terminal." Applicants are unable to understand what is meant by this citation. Applicants can assume that the Office Action is stating that element 12 teaches both "a selected local activation module" and "to the local terminal." However, it is unclear to Applicants', assuming this is what was meant by the citation, how Mobin's one element (remote device 12) teaches both "a selected local activation module" and "to the local terminal". This is unclear not only because of the reference numeral 12 being equated to two different phrases but also because there is no indication of this configuration in the referenced Mobin "fig. 1".

Additionally, Applicants studied the Mobin reference numeral 12 used in Mobin, at page 9, to refer to "remote device 12". Applicants' fail to understand how Mobin's "remote device 12" teaches any of Applicants' claimed elements.

Applicants respectfully note that the citation to Mobin for each of the claims 38, 39, 44 and 49 does not clearly articulate the rejection as it pertains to each and every element of the claimed invention and as MPEP § 706. For example, as is remarked above, there is difficulty with the clarity of the rejection as is remarked upon herein with respect to element 12 and fig. 1. Applicants' respectfully request that any future rejection including any possible reiteration of the rejection of the Office Action of November 24, 2003 clearly articulate the rejection as it

pertains to each and every element of the claimed invention as required by MPEP § 706.

For all of the above stated reasons, Mobin fails to teach each and every element of Applicants' claims 38, 39, 44 and 49. The rejection is respectfully traversed.

3. Dependent Claims 23-25, 29-30, 34-35, 37, 40-41, 43, 45-46, 48, 50-51, 53

Each dependent claim 23-25, 29-30, 34-35, 37, 40-41, 43, 45-46, 48, 50-51, and 53 depends directly or indirectly from independent claims 22, 37, 39, 44 or 36. Based upon the amendments and/or reasons set forth above regarding claims 22, 37, 38, 39, 44 and 49 Applicants respectfully note that the 35 USC § 102 rejection of claims 23-25, 29-30, 34-35, 37, 40-41, 43, 45-46, 48, 50-51, 53 is traversed.

II. Rejections under 35 U.S.C. § 103

A. 35 USC § 103 Rejection/Gordon in view of Smith

The Office action rejected claims 6 and 8 under the provisions of 35 USC § 103 as being obvious over the teachings of the Gordon '837 patent taken in view of the Smith patent (United States patent 6,333,973 issued to C. D. Smith et al on December 25, 2001 (hereinafter Smith '973)). This rejection too is respectfully traversed.

1. Dependent Claims 6 and 8

Claims ⁶7 and 8 depend indirectly from amended claim 1. Gordon '837 was applied by the Office action as an anticipating reference with respect to amended claim 1. Based upon the remarks made herein with respect to amended claim 1, Applicants respectfully note that claims 6 and 7 which were rejected by the application of Gordon '837 in view of Smith '973, are traversed based upon their dependency on claim 1 and the traversal of the primary reference Gordon '837. Additionally, Smith '973 does not provide any teaching on the use of selection means for a communication system according to the invention. Thus, there is no teaching or suggestion of the invention of claims 6 and 7 by Gordon '837 in view of Smith '937.

B. 35 USC § 103 Rejection/Mobin in view of Smith

The Office action rejected claims 31, 42, 47 and 52 under the provisions of 35 USC § 103 as being obvious over the teachings of Mobin taken in view of the Smith '973 patent. This rejection is respectfully traversed.

1. Dependent claims 31, 42, 47 and 52

Claims 31, 42, 47 and 52 depend indirectly from amended independent claim 37 or independent claim 39, 44, or 49. Mobin was applied by the Office action as an anticipating reference with respect to independent claims 22, 37, 38, 39, 44 and 49. Based upon the remarks made herein with respect to independent claims 22, 37, 38, 39, 44 and 49, Applicants respectfully note that claims 31,

42, 47 and 52 which were rejected by the application of Mobin in view of Smith '973, are traversed based upon their dependency on independent claims 37, 39, 44 or 49 and the traversal of the primary reference Mobin. Additionally, Smith '973 does not provide any teaching on the use of selection means for a communication system according to the invention. Therefore, there is no teaching or suggestion of the invention of claims 31, 42, 47 and 52 by Mobin in view of Smith '937.

C. 35 USC § 103 Rejection/Mobin in view of Randall

The Office action has rejected claims 32 and 33 under the provisions of 35 USC § 103 as being obvious over the teachings of the Mobin application taken in view of the Randall et al application (PCT published patent application WO 91/13510 published on September 5, 1991 (hereinafter Randall)). This rejection is also respectfully traversed.

1. Dependent claims 32 and 33

Claims 32 and 33 depend directly or indirectly from amended independent claim 37. Mobin was applied by the Office action as an anticipating reference with respect to independent claim 37. Based upon the amendment and remarks made herein with respect to independent claims 37, Applicants respectfully note that the rejection of claims 32 and 33 which were rejected by the application of Mobin in view of Randall, is overcome based upon the amendment of independent claim 37 and the traversal of the primary reference Mobin. Additionally, Randall does not appear to provide any teaching on the use of selection means for a

Appl. No. 10/069,608
Amdt. dated March 23, 2004
Reply to Office Action of November 24, 2003

communication system according to the invention. Thus, there is no teaching or suggestion of the invention of claims 32 and 33 by Mobin in view of Randall.


Conclusion

Thus, the Applicants submit that none of the claims, presently in the application, is anticipated under the provisions of 35 USC § 102 or obvious under the provisions of 35 USC § 103.

This Preliminary Amendment is submitted to more clearly describe and claim what the Applicants regard as the invention. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

Respectfully submitted,

March 23, 2004


Peter L. Michaelson, Attorney
Reg. No. 30,090
Customer No. 007265
(732) 530-6671


MICHAELSON & ASSOCIATES
Counselors at Law
Parkway 109 Office Center
328 Newman Springs Road
P.O. Box 8489
Red Bank, New Jersey 07701

Appl. No. 10/069,608
Amdt. dated March 23, 2004
Reply to Office Action of November 24, 2003

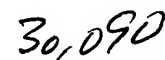
CERTIFICATE OF MAILING under 37 C.F.R. 1.8(a)

I hereby certify that this correspondence is being deposited on **March 24, 2004** with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Signature



Reg. No.